



The Commission's draft directive and algorithmic management

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The novelties of the proposal – Transparency and accountability



Transparency to enhance compliance

- Declaration of platform **employers** (Article 11)
 - => **Declare** work to labour and social authorities
 - => To authorities where the **work is performed**
 - => **Share** 'relevant data'
 - => Concerns **only workers**
 - => Especially important for **cross-border situations** and social security coordination => **competent state?**



Transparency to enhance compliance

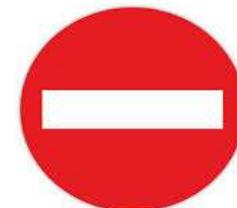
- Declaration of all platforms (Article 12)
 - ⇒ **Obligation to inform** national labour, social protection authorities and platform workers' representatives on:
 - Number of persons performing platform work,
 - Contractual or employment status and the general terms
 - ⇒ Info may be used in a broad range of actions, i.e. correct employment status for social security purposes, contributions and the benefits even maybe concerning welfare
 - ⇒ - Those operating on a regular basis
 - **Not only workers**

Transparency - Algorithmic management

- Quick and easy information of **automated monitoring and decision-making systems** => open the box (art. 6-7)



- **Limit instances where personal data may be processed**
 - => Prohibited data: on emotional or psychological state, private conversations or health
 - => Prohibition to collect any personal data outside of the performance of platform work



Transparency - Algorithmic management

Automated monitoring and decisions => humanity (art. 7-8)

⇒ Requirement of human review on significant issues

⇒ 'Administrative law' requirements

- right to an **explanation** and access to a **contact person** when decision on **working conditions**
- **written statement** when restrict, suspend or terminate account, refuse remuneration or contractual status
- right to receive a **review** by platform within 1 week



Stenghts of the
provisions – better
protection of the
platform ‘performer’

- **Monitoring of platforms can:**
 - have an impact on status of platform workers => more of them => improve their social security protection
 - many provisions cover also self-employed
- **Opening the black box** => limiting the instances of automatic monitoring and decision-making
- **Better safeguards:** human monitoring and review (art. 7-8)
- **Better remedies and evidence rules** (art. 13-18)

Shortcomings of the provisions and possible solutions

- **Compliance with the GDPR or watering down the protection?**
 - Link to the conditions of Art. 22 of the GRDP? Lost opportunity for further clarification?
 - Presumption that all operations are fully automated?
- **Enforcement:** Data authorities or labour inspectorates?

Based on ETUI Policy Brief 'Regulating algorithmic management: An assessment of the EC's draft Directive on improving working conditions in platform work', by Aida Poince del Castillo and Diego Naranjo (available at <https://www.etui.org/publications/regulating-algorithmic-management>).

Workshop for speakers and audience

1) How would the new requirements apply in your national systems?

- echoes national provisions/collective agreements?
- discrepancies, clashes...?

2) Suggestions for improving the draft?

Thank you for your input!